

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION**

UNITED STATES OF AMERICA

v.

GARY JUSTIN KELLEY

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CASE NO. 9:11-CR-00033 (4) RC

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The court referred a petition alleging violations of supervised release conditions to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence.

At the close of the revocation hearing, U.S. Magistrate Judge Zack Hawthorn recommended:

1. that the court find that the Defendant violated the third allegation in the petition that he failed to follow a standard condition of release;
2. that the Defendant's supervised release should be revoked pursuant to 18 U.S.C. § 3583; and
3. the Defendant should be sentenced to a term of 8 months' imprisonment, with no supervised release to follow to be served at the Federal Correctional Institute in Beaumont, Texas, if the Bureau of Prisons can accommodate such request.

Neither party has filed objections to Judge Hawthorn's Report and Recommendation. Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED and **ADJUDGED** that the petition is **GRANTED** and Gary Justin Kelley's supervised release is **REVOKED**.

Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** this **16** day of **June, 2017**.

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge